IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4422 OF 2005

Santosh A Lodha and anr ... Petitioners

VERSUS

The State of Maharashtra & ors.. Respondents

Mr.A.M.Joshi for petitioners

Mr. Pethe for Mr. Ketkar for respondent nos. 2 and 3

Mr. R.D.Rane GP for State

CORAM: A.P.SHAH & D.Y.CHANDRACHUD JJ.

Dated l8th Aug.2005

P.C

. Heard parties.

. Mr Rane, learned GP states that the State Government has issued Notification dated 3l.5.2005 in exercise of powers conferred under sub-section (3) of section 4 of Maharashtra Ancient Monuments and Archaeological Sites and Remains Act,l960 and objections have been invited and pursuant to the said Notification petitioners have submitted their objections. Mr.Rane further states that the State has no objection for construction of buildings having height not more than 30 ft in the proposed controlled area and letter to that effect has

been already issued by the Director of Archaeology and Museum to the City Engineer of Municipal Corporation. Mr Rane has placed a copy of the said letter on record. Mr. Joshi, learned counsel appearing for the petitioners state that in view of the above statement he does not want to press the petition as the height of the petitioners' proposed construction is nor more than 30 feet. He also states that the petitioners will not raise the height of their building beyond 30 feet without prior permission of the respondent nos. 2 and 3. In the circumstances the stop work notice issued by the respondent nos 2 and 3 is quashed and set aside. Petition is accordingly disposed of.